

7



PATENT Docket No.: 19603/3286 (CRF D-2062B)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

)) Examin

Examiner: A. Kubelik

Art Unit: 1638 ER 1600/29

Cnfrm. No.

Applicants

Serial No.

5427

Filed

June 20, 2000

Kim et al.

09/596,958

For

HYPERSENSITIVE RESPONSE ELICITOR

FROM ERWINIA AMYLOVORA AND ITS

USE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

In response to the September 13, 2001, written restriction requirement, applicants hereby elect Group I (i.e. claims 1-16) with traverse. Applicants submit that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Since no benefit is derived from imposing this restriction requirement, it should be withdrawn in its entirety.

Respectfully submitted,

Date: September 26, 2001

Edwin V. Merkel Registration No. 40,087

Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603 Telephone: (716) 263-1128 Facsimile: (716) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)

I hereby certify that this correspondence is being

deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents, Washington, D.C. 20231 on the data below.

Date

Wendy L: Harrold